

PATENT  
Attorney Docket No.: 041673/2007  
FR 07349/019001

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PEPTIDE INHIBITOR OF TGF- $\beta$  GROWTH FACTORS**, the specification of which:

( ) is attached hereto.

(XX) was filed on 12/16/98 as Application Serial No. 09/215,569.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status (pending, patented) |
|------------------------|-------------|----------------------------|
| 60/069,701             | 12/16/97    | Pending                    |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Stephen A. Bent, Reg. No. 29,768, Patricia D. Granados, Reg. No. 33,683, John P. Isaacson, Reg. No. 33,715, Sybil Meloy, Reg. No. 22,749, Richard C. Peet, Reg. No. 35,792, Colin G. Sandercock, Reg. No. 31,298, Bernhard D. Saxe, Reg. No. 28,665, Richard L. Schwaab, Reg. No. 25,479, Harold C. Wegner, Reg. No. 25,258,

Laurie A. Axford, Registration No. 35,053 and Stacy L. Taylor, Reg. No. 34,842, Barry S. Wilson, Reg. No. 39,431 of the firm of Foley & Lardner, 402 W. Broadway, 23<sup>rd</sup> Floor, San Diego, CA 92101-3510.

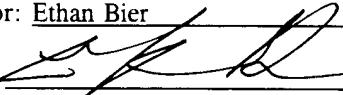
Address all telephone calls and correspondence to:

Stacy L. Taylor  
FOLEY & LARDNER  
402 W. Broadway, 23<sup>rd</sup> Floor  
San Diego, CA 92101-3542  
Phone: (619) 685-6432

## COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Ethan Bier

Inventor's Signature: 

Date: 4/2/99

Residence Address: San Diego, California 92017-72130

Citizen of: USA

Post Office Address: 4951 Arroyo Lindo Avenue, San Diego, CA 92017

*4951 Arroyo Lindo Avenue, San Diego, CA 92130*

Full Name of Inventor: Kweon Yu

Inventor's Signature: Kweon Yu

Date: 4/2/1999 (April 2, 1999)

Residence Address: San Diego, California 92122

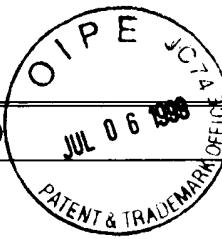
Citizen of: Korea

Post Office Address: 7405 Charmant Drive, #212, San Diego, CA 92122

*#2122*

86958 LJ1

## CERTIFICATE UNDER 37 C.F.R. § 3.73(b)



Docket No. 07349/019001

In the application of: Bier, Ethan  
 Serial No.: 09/215569  
 Filed: December 16, 1998  
 For: PEPTIDE INHIBITOR OF TGF-B GROWTH FACTORS

Patent No.:  
 Issue Date:

The Regents of the University of California, a university, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

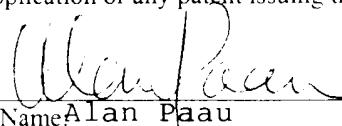
- A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9474, Frame 0311, or for which a copy thereof is attached.
- 9474
- OR
- B.  A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:
1. From : \*  
 To: \*  
 The document was recorded in the Patent and Trademark Office at Reel \*, Frame \*, or for which a copy thereof is attached.
  2. From : \*  
 To: \*  
 The document was recorded in the Patent and Trademark Office at Reel \*, Frame \*, or for which a copy thereof is attached.
  3. From : \*  
 To: \*  
 The document was recorded in the Patent and Trademark Office at Reel \*, Frame \*, or for which a copy thereof is attached.
- Additional documents in the chain of title are listed on a supplemental sheet.
- Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: June 12, 1998

  
 Name: Alan Paau  
 Title: Director, Technology Transfer

Applicant or Patentee: Ethan Bier and Kweon Yu  
 Serial or Patent No.: 09/215,569  
 Filed or Issued: 12/16/98  
 For: PEPTIDE INHIBITOR OF TGF- $\beta$  GROWTH FACTORS



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

**Name of Organization:** The Regents of the University of California  
**Address of Organization:** Office of Technology Transfer, Mail Code 0910; 9500 Gilman Drive; La Jolla, CA 92093-0910  
**Type of Organization:**

- [X] UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
 [ ] TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
 [ ] NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE: )  
 (CITATION OF STATUTE: )  
 [ ] WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
 [ ] WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE: )  
 (CITATION OF STATUTE: )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled **PEPTIDE INHIBITOR OF TGF- $\beta$  GROWTH FACTORS** by inventor(s) **Ethan Bier and Kweon Yu** described in

- [ ] the specification filed herewith.  
 [X] application serial no. 09/215,569, filed 12/16/98.  
 [ ] patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

**Full Name:** The Regents of the University of California

**Address:** Office of Technology Transfer, Mail Code 0910; 9500 Gilman Drive; La Jolla, CA 92093-0910

- [ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [X] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**Name:** Alar Paa

**Title:** Director, Technology Transfer Office

**Address:** The Regents of the University of California, Office of Technology Transfer, Mail Code 0910; 9500 Gilman Drive; La Jolla, CA 92093-0910

**Signature:**

**Date:** 4/16/99